(b) whether Government propose to bring forward the Bill to this effect in the current Session of Parliament;

(c) if so, the details thereof; and

(d) what are the significant backgrounds which lead to this amendment?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) to (d) The Government proposes to introduce a Constitution Amendment Bill in the current Session of Parliament to make changes in the existing system of appointment of Judges of the Supreme Court, Chief Justices of the High Courts, Judges of the High Courts and transfer of Judges of the High Courts.

Government has felt it necessary to amend the Constitution to reiterate and spell out the intent of the framers of the Constitution clearly and unambiguously with a view to keep it beyond the pale of any controversy.

Lowering of age limit of the Members of Rajya Sabha

2544. DR. RANBIR SINGH:
SHRI RAM NATH KOVIND:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether some proposals to reduce the age limit from 30 years to 25 years of the Members of Rajya Sabha are under consideration of Government;

(b) whether Government have since taken any decision on such proposals; and

(c) if so, the details thereof, and, if not, the reasons therefor?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) and (c) Proposal to reduce the age limit of the Members of Rajya Sabha from 30 years to 25 years is one of the various proposals being discussed by Government with political parties. However, so far, no decision has been taken in the matter.

मध्य प्रदेश में लोक अदालतें आयोजित किया जाना

2545. श्री दिलीप सिंह जूदेव: क्या **विधि और न्याय** मंत्री यह बताने की कृपा करेंगे कि:

(क) मध्य प्रदेश में वर्ष 1995 तथा 1996 के दौरान कुल कितनी लोक अदालतों का आयोजन किया गया; और

(ख) राज्य में सिविल न्यायालयों में लम्बित मामलों के तेजी से निपटान के लिये लोक अदालतों को अधिक सुदृढ़ किये जाने हेतु किये गये प्रयासों का ब्यौरा क्या है?

विधि और न्याय मंत्रालय के राज्यमंत्री (श्री रमाकान्त डी॰ खलप): (क) मध्य प्रदेश विधिक सहायता और सलाह बोर्ड से प्राप्त जानकारी के आधार पर वर्ष 1995 और 1996 के दौरान लगभग 554 लोक अदालतें आयोजित की गई थीं।

(ख) राज्य के सिविल न्यायालयों में लंबित मामलों के शीघ्र निपटारे के लिए पर्याप्त प्रचार के साथ कम अंतर पर अधिक से अधिक लोक अदालतें आयोजित करने के प्रयास किए जा रहे हैं।

विधिक सेवा प्राधिकरण अधिनियम के प्रवर्तन से लोक अदालतों को कानूनी आधार दिया गया है और उसका अधिनिर्णय न्यायालय की डिक्री है, जो अंतिम, आबद्धकर और अपील योग्य नहीं है।

Working of the Law Commission

2546. DR. B.B. DUTTA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the present membership of the Law Commission with dates of appointment and terms and conditions for membership;

(b) the brief resume of the work done by the Commission during the last three years, year-wise;

(c) number of reports submitted by the Commission so for alongwith their titles and dates of submission; and

(d) the subjects which are currently under examination by the Law Commission?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) The present membership of Law Commission with dates of appointment is given below:

			Date of appointment
1.	Chairman (Shri Justice K. Jayachandra Reddy)	:	15.7.95
2.	Member (Shri Justice R.L. Gupta)	:	29.11.94
3.	Member (Shri Ch. G. Krishnamurthy)	:	29.11.94
4.	Member (Shri Mrs. Alice Jacob)	:	19.12.94
5.	Member Secretary (Shri R.L. Meena)	:	3.9.96
6.	Part-time Member (Shri K. Dasaradhi)	:	16.12.96

The terms & conditions for membership are as follows:

FULL TIME CHAIRMAN/MEMBERS

(A) SERVING JUDGES OF SUPREME COURT/HIGH COURT

(i) He will perform the functions of Chairman/Member of the Law Commission on a whole-time basis upto the date of his retirement from the Supreme Court/ High Court or expiry of the term of the Commission whichever be earlier.

(ii) The time spent by him in the performance of such functions as Chairman/Member of the Commission will be treated as "actual Service" for purposes of provision 11(b) (i) of Part D of Second Schedule of the Constitution and

(1) in the case of a Supreme Court Judge, Section 2(b)(i) of the Supreme Court Judges (Conditions of Service) Act, 1958 as amended from time to time;

(2) in the case of a High Court Judge, Section 2(c) (i) of the High Court Judges (Conditions of Service) Act, 1954, as amended from time to time.

No additional remuneration apart from the salary etc. as a Judge of the Supreme Court/ High Cort, as the case may be, will be admissible to him for performing the functions and duties of Chairman/Member of the Commission.

(iii) For journeys performed in connection with the work of the Commission during the period of his assignment he will be entitled to draw travelling allowance and daily allowance at the same rate as admissible to him as a Judge of the Supreme Court or High Court as the case may be.

In all other matters, he will be governed

(1) in the case of a judge of the Supreme Court, by the Supreme Court Judges (Conditions of Service) Act, 1958 and the Supreme Court Judges (Travelling Allowance) Rules, 1959 both as amended from time to time.

(2) in the case of a Judge of a High Court, by the High Court Judges (Conditions of

Service) Act, 1954 and the High Court Judges (Travelling Allowance) Rules, 1956 both as amended from time to time.

(iv) He will be his own Controlling Officer for the purpose of Travelling Allowance.

(v) His Headquarters will be at New Delhi.

(b) RETIRED JUDGES OF SUPREME COURT/HIGH COURT RE-EMPLOYED ON WHOLE-TIME BASIS.

(i) He will perform the functions of Chairman/Member on a whole time basis from the date of his appointment.

(ii) The terms and conditions of his appointment as Chairman/ Member shall be as under

(1) The Pay, Dearness Allowance and City Compensatory Allowance will be in accordance with the Ministry of Finance (Department of Expenditure) O.M. No. 19048/7/80-E.IV dated the 8th October 1987, as *amended by their O.M. No. 19048/1/88-E.IV* dated the 27th December, 1988.

(2) He will be permitted to subscribe to the Contibutory Provident Fund (India) from the date of his appointment in accordance with the orders contained in para (h) of Ministry of Finance O.M. No. 8(34)-Estt.III/57 dated the 25th November, 1958 as clarified by their O.M. No. 57/11/E.V/60 dated the 3rd August, 1960 as amended from time to time.

(3) He will be entitled to conveyance facility, residential accommodation/house rent allowance, free electricity and water charges, sumptuory allowance, leave travel concession, Travelling allowance, daily allowance, transfer T.A., medical facilities and any other perks/privileges or amenities and facilities as are admissible to serving Supreme Court/High Court Judges from time to time.

(iii) He will be his own controlling officer for the purpose of travelling allowance.

(iv) His Headquarters will be at New Delhi.

(c) JURIST/LEGAL EXPERT

(i) He will perform the functions of Chairman/Member of the Law Commission on a whole-time basis from the date of his appointment

(ii) He will be allowed a pay of Rs. 8000/- fixed per month. In the case of a retired Government Servant, he will be allowed pay (including pension and pension equivalent of gratuity and other forms of retirement benefits) not exceeding Rs. 8000/- per month.

(iii) No. H.R.A. will be admissible if he lives in his own house or a house owned by his wife or son.

(iv) He will be eligible for government accommodation from the general pool. If he is not provided with such accommodation and if he hires private residential accommodation and he may be allowed to do so up to a ceiling rental of 30% of his pay, which will be inclusive of the rent he would have been required to pay under FR 45-A if it were Government accommodation. the difference between the rent payable in accordance with FR-45-A

and the rent paid subject to the above ceiling will reimbursed by Government.

(v) Travelling and Daily allowance in respect of the journeys performed in connection with the work of the Commission will be regulated in accordance with the provisions of the Ministry of Finance (Department of Expenditure) O.M. No. F.6(26)E.IV/59 dated 5.9.1960 as amended from time to time.

(vi) He will be permitted to subscribed to the Contributory Provident Fund (India) with effect from the date of his appointment as Member of the Commission, in accordance with the orders contained in para 1 (h) of Ministry of Finance O.M. No. 8(34)-Estt/III/57 dated 25.11.1958, as clarified in their O.M. No. F.57/11/EV/60 dated 3.8.1960 as amended from time to time.

(vii) He will be allowed travelling allowance at the rates and as per the rules admissible to Govt. servants of the highest grade for joining first appointment in New Delhi as a Member of the Commission from the place of his ordinary residence to New Delhi plus an allowance of actual cost tansportation by rail at owner's risk, of a motor car by rail from the place of his ordinary residence to New Delhi and a similar facility will be extended on the expiry of his term as Member of the Commission.

(viii) He will be his own Controlling Officer for the purpose of Travelling Allowance.

(ix) With effect from the date of his appointment as a Member of the Commission, he will be entitled to leave as admissible to a temporary Government servant under the Central Civil Services (Leave) Rules, 1972.

(x) His Headquarters will be at New Delhi.

(D) PROFESSOR OF LAW OF A UNIVERSITY

(i) He will perform the functions of Chairman/Member of the Commission on a whole-time basis from the date of his appointment.

(ii) He will be allowed a fixed pay of Rs. 8000/- per month. In case of a retired Government Servant or retired Professor of Law of a University he will be allowed pay (including pension and pension equivalent of gratuity and other forms of retirement benefits) not exceeding Rs 8000/- per month.

(iii) While holding the appointment as Member he will be treated as on deputation from the University.

(iv) No house rent allowance will be admissible if he lives in his own house or a house owned by his wife or son,

(v) He will be eligible for Government residential accommodation from the general pool otherwise he may be provided with private accommodation at a ceiling rental of 30% of his pay for which he will be required to pay rent under F.R. 45—A.

(vi) Travelling and daily allowance in connection with the journeys performed in connection with the work of the Commission will be regulated in accordance with the Provisions of the Ministry of Finance (Department of Expenditure) O.M. No.F (26)—EIV/59 dated 5.9.1960, as amended from time to time.

(vii) He will be allowed leave as admissible to temporary Government servants under the Central Civil Services (Leave) Rules, 1972.

(viii) He will be allowed travelling allowance at the rates and as per the rules as admissible to Government servant of the highest grade for joining first appointment in New Delhi as a Member of the Commission from the place of his ordinary residence to New Delhi plus an allowance of actual cost of transportation by rail at owners risk of a motor car by rail from the place of his ordinary residance to New Delhi and similar facility will be extended on the expiry of his term as Member of the Commission.

(ix) During the period he remains a Member of the Commission he will be governed by the rules of the Contributory Provident Fund of the University and the Government of India's contribution to his contributory Provident Fund in the University will be subject to the ceiling of 8-1/3% of the emoluments drawn by him as Member of the Commission.

(x) He will be his own Controlling Officer for the purpose of Travelling Allowance.

(xi) His Headquarters will be at New Delhi

(E) FULL TIME MEMBER SECRETARY

(i) The pay and other terms of appointment of a full-time Member-Secretary will be the same as those admissible to a Secretary to the Government of India.

(ii) His Headquarters will be at New Delhi.

(F) ***IN CASE THE CHAIRMAN OF THE COMMISSION APPOINTED ON AN HONORARY BASIS.***

(i) He will be a retired Chief Justice of India and will head the Commission as Chairman appointed honorary and will perform his functions on a whole-time basis.

(ii) As Honorary Chairman, he will not be entitled to any salary or allowance but will be entitled to the status which he enjoyed as Chief Justice of India and to all other facilities, amenities and rights which he enjoyed as Chief Justice in matters such as medical assistance, travel etc.

(iii) The Honorary Chairman will be entitled to the following perquisites:—

(1) An Honorarium amounting to Rs. 5,000/- p.m.

(2) Travelling Allowance and Daily Allowance on the same basis as was admissible to him as Chief Justice under the Supreme Court Judges (Travelling Allowance) Rules, 1959, as at the time of the his retirement as Chief justice and as may be amended from time to time, provided that he will be entitled at outstations to the reimbursement of actual expenses on board and lodging, suitable to his status, when he is not a State Guest.

(3) (i) Rent free furnished accommodation as admissible to the serving Chief Justice of India

(ii) Benefit of free electricity and water charges as admissible to the serving judges of Supreme Court.

(4) A chauffeur-driven car will be placed at his disposal, the expenditure on account of the salary of the chauffeur as well as maintenance and repairs of the car will be borne by the Government.

(5) A sumptuary allowance of Rs. 1250/- per month.

(6) His headquarters will be at New Delhi.

(G) PART TIME MEMBERS/CONSULTANTS

(i) The part-time Member/Consultant will be paid an honorarium of Rs. 4,000/- per month. If a Member of Parliament or a State Legislature is appointed as part-time Member/Consultant of the Law Commission, he will not be entitled to draw the above mentioned honorarium.

(ii) For the journey performed in connection with the work of the Commission, the travelling and daily allowance of the part-time Members/ Consultants who are non-officials will be regulated in accordance with the provisions of the Ministry of Finance (Department of Expenditure) O.M. No. F. 6(26)-E/V/59 dated 5th September, 1960 as amended from time to time. A Member of Parliament appointed as a Part-time Member/ Consultant of the Law Commission, will be expected to use his free railway pass when he travels by rail for the work of the Law Commission. A member of Parliament or a State Legislature appointed as a part-time member will not draw any T.A. or D.A. (including conveyance allowance) which will disqualify him for being chosen as or for being a Member of Parliament or for a State Legislature. In the case of part-time Members/Consultants who are Government servants, the travelling and daily allowance for journeys in respect of the work of the Commission will be governed by the relevant rules applicable to them.

(iii) The Chairman of the Commission will be the Controlling Officer for the purpose of the travelling allowance of the part-time Members/ Consultants.

(iv) In the case of part-time Members/ Consultants of the Commission the ordinary places of their residence to be named in advance, will be their headquarters for the purpose of travelling allowance. For the part-time Members/Consultants in respect of the work of the Commission the headquarters will be New Delhi.

(b) The Law Commission has submitted the following reports during the last three years, year-wise;

Year 1994	:	149th report (submitted on 11.2.94)	Removal of certain deficience in Motor Vehicles Act, 1988 (Act No. 59 of 1988)
	:	150th report (submitted on 10.5.94)	Suggesting some Amendments to the Code of Civil Procedure (Act No. V of 1908)
	:	151st report (submitted on 10.5.94)	Admirality Jurisdiction
	:	152nd report (submitted on 26.8.94)	Custodial Crimes

	153rd report (submitted on 26.8.94)	Inter-country Adoption
1995	Nil	
1996	154th report (submitted on 22.8.94)	The Code of Criminal Procedure, 1973 (Act No. 2 of 1974)

(c) The Law Commission of India has so far submitted 154 reports to the Government. A complete list of these reports with full details regarding the year, titles and dates of submission is placed in the Annexure. *[See Appendix 180, Annexure 53]*

(d) the following subject are currently under examination by the Law Commission:—

(i) Review of the Indian Penal Code, 1860.

(ii) Review of the Indian Evidence Act, 1872.

(iii) Review of functioning of the Tribunals in the country. The Commission has issued a comprehensive questionnaire on administrative Tribunals, Income Tax Appellate Tribunals, and Central Excise and Gold Control Appellate Tribunals to elicit the opinion of Judges, academicians, lawyers, Government officials and other distinguished persons. It has also received certain responses thereon.

(iv) Narcotic Drugs and Psychotropic Substances Act, 1985.

(v) Election petitions.

(vi) Hire Purchase Act, 1972.

Revision of IPC

2547. SHRI GOVINDRAO ADIK: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is fact that Government intends to revise Indian Penal Code to decide whether an M.P. or M.L.A. is a public servant, to provide speedy and inexpensive justice to the accused, to introduce new offences like telephone tapping, unauthorised photography, adultery, constructive liability to companies for certain offences, rash and negligent driving, sexual offences bearing cost for publication of a court's order against him in a newspaper etc.;

(b) if so, the details thereof; and

(c) by when it is expected to be done?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) to (c) Law Commission of India is examing the Indian Penal Code with a particular reference to Indian Penal Code (Amendment) Bill, 1978. The topics include public servant, use of artifical listening or recording apparatus, unauthorised photography, adultery, constructive liabilities of companies, driving unsafe and over-loaded vehicles on a public way, sexual offences, buggery, public censor for certain offences after previous conviction to be published at the offender's expense in a newspaper.

Issuing of voters identity cards in Gujarat

2548. SHRI AHMED PATEL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are monitoring the progress made by the State Governments in implementation of the scheme of issues of voters identity cards;

(b) if so, the details thereof;

(c) the details of the progress made by Gujarat Government in this regard as on date;